

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Bednarz, et al.
Serial No: 10/506,386
Filed: September 2, 2004
For: METHOD FOR INERTING THE ANODES OF FUEL CELLS
Examiner: Eugenia Wang
Art Unit: 1745

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

SIR:

In response to the Notification dated January 12, 2009, applicant encloses herewith an Amended Appeal Brief. Applicant has not included new copies of the Exhibits A-C since copies are already on record from the originally filed Brief.

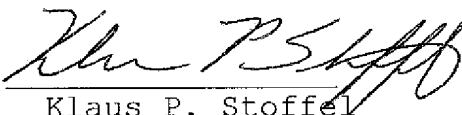
Regarding the concise explanation of the subject matter of the independent claims, this appeared on page 3 of the original Brief. Since there is only one independent claim applicant did not specifically refer to the claim by number. Thus, applicant in the Amended Brief has identified the specific claim containing the subject matter being explained. Some additional reference numerals have also been added.

Relative to the Evidence Appendix, applicant has included for each Exhibit a statement setting forth where in the record the evidence was entered by the Examiner. Concerning Exhibit C,

this was submitted as evidence in the amendment filed January 16, 2008, in particular the last four lines on page 4 of the amendment. There reference was made to lines 1-17 of column 1 of the reference. The Examiner in a subsequent Office Action indicated that no translation of the cited section was submitted. Thus, applicant submitted a translation of the cited section. The cited portion of the reference is, in applicant's opinion, relevant and applicant submits that the Examiner's comments on page 8 of the Office Action of May 20, 2008, clearly indicate the Examiner understood what the reference deals with, namely: "the shutting down of an electrolysis cell".

Favorable action is respectfully requested.

Respectfully submitted,
Lucas & Mercanti LLP

By 

Klaus P. Stoffel

Reg. No. 31,668

Lucas & Mercanti, LLP

475 Park Avenue South

New York, New York 10016

Dated: February 12, 2009

(212) 661-8000

CERTIFICATE

I hereby certify that this correspondence is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 12, 2009.

LUCAS & MERCANTI, LLP

BY:


Klaus P. Stoffel, Reg. No. 31,668